

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

Claim 1. (withdrawn) A method for treating a patient suffering from a cancerous disease comprising:

administering to said patient an anti-cancer antibody or fragment thereof produced in accordance with a method for the production of anti-cancer antibodies which are useful in treating a cancerous disease, said antibody or fragment thereof characterized as being cytotoxic against cells of a cancerous tissue, and being essentially benign to non-cancerous cells;

wherein said antibody or fragment thereof is placed in admixture with a pharmaceutically acceptable adjuvant and is administered in an amount effective to mediate treatment of said cancerous disease;

said antibody being an isolated monoclonal antibody or antigen binding fragment thereof which binds to an antigenic moiety expressed by said cancerous tissue, said antigenic moiety characterized as being bound by an antibody having the identifying

characteristics of a monoclonal antibody encoded by a clone deposited with the ATCC as PTA-4621.

Claim 2. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1, wherein said antibody or fragment thereof is humanized.

Claim 3. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 comprising:

conjugating said antibody or fragment thereof with a member selected from the group consisting of toxins, enzymes, radioactive compounds, and hematogenous cells; and

administering conjugated antibodies or fragments thereof to said patient;

wherein said conjugated antibodies or fragments thereof are placed in admixture with a pharmaceutically acceptable adjuvant and are administered in an amount effective to mediate treatment of said cancerous disease.

Claim 4. (withdrawn) The method of claim 3, wherein said antibody or fragment thereof is humanized.

Claim 5. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through antibody dependent cellular toxicity.

Claim 6. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through complement dependent cellular toxicity.

Claim 7. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through catalyzing hydrolysis of cellular chemical bonds.

Claim 8. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through producing an immune response against putative

cancer antigens residing on tumor cells.

Claim 9. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through targeting of cell membrane proteins to interfere with their function.

Claim 10. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through production of a conformational change in a cellular protein effective to produce a signal to initiate cell-killing.

Claim 11. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

said method of production of anti-cancer antibodies utilizes a tissue sample containing cancerous and non-cancerous cells obtained from a particular individual.

Claim 12. (withdrawn) A method for treating a patient suffering from a cancerous disease comprising:

administering to said patient an antibody or fragment thereof produced in accordance with a method for the production of anti-cancer antibodies which are useful in treating a cancerous disease, said antibody or fragment thereof being cytotoxic against cells of a cancerous tissue, and essentially benign to non-cancerous cells;

wherein said antibody or fragment thereof is an isolated monoclonal antibody or antigen binding fragment thereof encoded by a clone deposited with the ATCC as PTA-4621, and is placed in admixture with a pharmaceutically acceptable adjuvant and is administered in an amount effective to mediate treatment of said cancerous disease.

Claim 13. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12, wherein said antibody or fragment thereof is humanized.

Claim 14. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 comprising:

conjugating said antibody or fragment thereof with a member selected from the group consisting of toxins, enzymes, radioactive

compounds, and hematogenous cells; and

administering conjugated antibodies or fragments thereof to said patient;

wherein said conjugated antibodies or fragments thereof are placed in admixture with a pharmaceutically acceptable adjuvant and are administered in an amount effective to mediate treatment of said cancerous disease.

Claim 15. (withdrawn) The method of claim 14, wherein said antibody or fragment thereof is humanized.

Claim 16. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through antibody dependent cellular toxicity.

Claim 17.(withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through complement dependent cellular toxicity.

Claim 18. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through catalyzing hydrolysis of cellular chemical bonds.

Claim 19. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through producing an immune response against putative cancer antigens residing on tumor cells.

Claim 20. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through targeting of cell membrane proteins to interfere with their function.

Claim 21. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

the cytotoxicity of said antibody or fragment thereof is mediated through production of a conformational change in a cellular protein effective to produce a signal to initiate cell-killing.

Claim 22. (withdrawn) The method for treating a patient suffering from a cancerous disease in accordance with claim 12 wherein:

said method of production of anti-cancer antibodies utilizes a tissue sample containing cancerous and non-cancerous cells obtained from a particular individual.

Claim 23. (previously presented) A process for mediating cytotoxicity of a human tumor cell which expresses CD44 antigenic moiety on the cell surface comprising:

contacting said human tumor cell with an isolated monoclonal antibody or antigen binding fragment thereof, said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44 antigenic moiety, said antigenic moiety



characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by a clone deposited with the ATCC as PTA-4621, whereby cell cytotoxicity occurs as a result of said binding.

Claim 24. (previously presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are humanized.

Claim 25. (previously presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are conjugated with a member selected from the group consisting of cytotoxic moieties, enzymes, radioactive compounds, and hematogenous cells.

Claim 26. (previously presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are chimerized.

Claim 27. (previously presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are murine.

Claim 28. (previously presented) The process of claim 23 wherein the human tumor cell is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 29. (withdrawn) A binding assay to determine a presence of cells which express a CD44 antigenic moiety which specifically binds to an isolated monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621, or an antigen binding fragment thereof comprising:

providing a cell sample;

providing an isolated monoclonal antibody or antigen binding fragment thereof, said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44 antigenic moiety, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621;

contacting said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby the presence of cells which express a CD44 antigenic

moiety which specifically binds to an isolated monoclonal antibody or antigen binding fragment thereof is determined.

Claim 30. (withdrawn) The binding assay of claim 29 wherein the cell sample is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 31. (withdrawn) A process of isolating or screening for cells in a sample which express a CD44 antigenic moiety which specifically binds to an isolated monoclonal antibody or antigen binding fragment thereof, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621 comprising:

providing a cell sample;

providing an isolated monoclonal antibody or antigen binding fragment thereof, said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44 antigenic moiety, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621;

contacting said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby said cells which express a CD44 antigenic moiety which specifically binds to an isolated monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621 or antigen binding fragment thereof are isolated by said binding and their presence in said cell sample is confirmed.

Claim 32. (withdrawn) The process of claim 31 wherein the cell sample is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 33. (withdrawn) A method of extending survival and delaying disease progression by treating a human tumor in a mammal, wherein said tumor expresses an antigen which specifically binds to a monoclonal antibody or antigen binding fragment thereof which has the identifying characteristics of a monoclonal antibody encoded by a clone deposited with the ATCC as PTA-4621 comprising administering to said mammal said monoclonal antibody in an amount effective to reduce said mammal's tumor burden, whereby disease

progression is delayed and survival is extended.

Claim 34. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is conjugated to a cytotoxic moiety.

Claim 35. (withdrawn) The method of claim 34 wherein said cytotoxic moiety is a radioactive isotope.

Claim 36. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof activates complement.

Claim 37. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof mediates antibody dependent cellular cytotoxicity.

Claim 38. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a murine antibody.

Claim 39. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a humanized antibody.

Claim 40. (withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a chimerized antibody.

**Restriction/Election**

Restriction to one of the following inventions has been required under 35 USC 121:

I. Claims 1-22 and 33-40, drawn to a method for treating a cancer patient comprising administering monoclonal antibodies produced by ATCC clone PTA-4621 or a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 424, subclass 141.1.

II. Claims 23-28, drawn to a process for mediating cytotoxicity of a human tumor tissue sample comprising administering a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 435, subclass 7.23.

III. Claims 29-32, drawn to a process for detecting and isolating cells that express a CD44 antigen, which is recognized by a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 435, subclass 7.92.